

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: David Noriega	Team: Team # 5	CCRB Case #: 201015364	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 11/07/2010 3:50 AM	Location of Incident: East 242 Street and Wilder Avenue	Precinct: 47	18 Mo. SOL 5/7/2012	EO SOL 5/7/2012	
Date/Time CV Reported Mon, 11/08/2010 3:35 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/08/2010 3:35 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Roda	01234	939332	047 PCT
2. POM Jens Maldonado	14155	940408	047 PCT
3. SGT Thomas Iaquinto	02253	926976	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Thomas Iaquinto	Abuse: Sgt. Thomas Iaquinto supervised the stop of § 87(2)(b)	
B.SGT Thomas Iaquinto	Force: Sgt. Thomas Iaquinto used physical force against § 87(2)(b)	
C.POM Robert Roda	Force: PO Robert Roda used physical force against § 87(2)(b)	
D.POM Jens Maldonado	Force: PO Jens Maldonado used physical force against § 87(2)(b)	
E.POM Jens Maldonado	Force: PO Jens Maldonado used a chokehold against § 87(2)(b)	
F.POM Jens Maldonado	Abuse: PO Jens Maldonado threatened § 87(2)(b) with the use of force.	

### Case Summary

§ 87(2)(b) filed this complaint by telephone with the Civilian Complaint Review Board on November 8, 2010.

On November 7, 2010, at approximately 3:50 a.m., at East 242 Street and Wilder Avenue in the Bronx, § 87(2)(b) was stopped by Sgt. Thomas Iaquinto, PO Robert Roda and PO Jens Maldonado of the 47<sup>th</sup> Precinct, and was subsequently issued a summons for § 87(2)(b). The following allegations emerged from the incident:

- **Allegation A – Abuse of Authority:** Sgt. Thomas Iaquinto supervised the stop of § 87(2)(b).  
§ 87(2)(g)
- **Allegation B – Force:** Sgt. Thomas Iaquinto used physical force against § 87(2)(b).
- **Allegation C – Force:** PO Robert Roda used physical force against § 87(2)(b).
- **Allegation D – Force:** PO Jens Maldonado used physical force against § 87(2)(b).  
§ 87(2)(g)
- **Allegation E – Force:** PO Jens Maldonado used a chokehold against § 87(2)(b) § 87(2)(g).
- **Allegation F – Abuse of Authority:** PO Jens Maldonado threatened § 87(2)(b) with the use of force. § 87(2)(g).

### Results of Investigation

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a black male, § 87(2)(b) old at the time of the incident, standing 5'11" and weighing 200 lbs., with black hair and brown eyes.

##### Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) told medical personnel at § 87(2)(b) that he had been assaulted by three police officers. He specified that they hit him in the back of the head with a weapon, kicked him in the ribs, and kicked him in the stomach [Encl. 4].

##### Statements to CCRB

§ 87(2)(b) provided a phone statement upon filing his complaint on November 8, 2010 [Encl. 5 B]. He provided an additional phone statement on November 9, 2010 [Encl. 6], and was interviewed at the CCRB on December 2, 2010 [Encl. 7 A-E]. These statements are summarized below with inconsistencies noted.

On date reported by § 87(2)(b) as November 8, 2010, but determined by the investigation to be November 7, 2010, at approximately 4:00 a.m., § 87(2)(b) was walking in the vicinity of East 241 Street and Wilder Avenue in the Bronx on his way to his home in Mount Vernon. In his first phone statement to the CCRB, § 87(2)(b) stated that he was walking home from a bar, where he had consumed about one drink; during his second phone statement, § 87(2)(b) did not specify where he

was coming from; and during his in-person statement, § 87(2)(b) stated that he had been at home, had left to buy a cigarette, and was heading back home at the time of the incident. As § 87(2)(b) was walking, he was approached by an unmarked vehicle containing three officers, identified by the investigation as Sgt. Thomas Iaquinto, PO Robert Roda and PO Jens Maldonado. § 87(2)(b) described Sgt. Iaquinto as a white or light-skinned Hispanic male, 5'9"-9", 180-185 lbs., with dark hair; PO Roda as a white male, 5'6", 170 lbs., light brown hair; and PO Maldonado as a Hispanic male, 5'10"-11", 200 lbs. In his first telephone statement, § 87(2)(b) stated that he heard one of the officers state "Police" while addressing him, but § 87(2)(b) did not see badges and disbelieved the statement; in his second phone statement and his in-person statement, § 87(2)(b) stated that the officers did not identify themselves in any way. § 87(2)(b) generally stated that he believed the officers looked like "thugs" and were civilians intending to rob or otherwise harm him. For this reason, § 87(2)(b) continued walking. He then heard two officers emerge from the car, prompting § 87(2)(b) to take off running.

§ 87(2)(b) could not specify the direction of his flight or the exact location of his subsequent apprehension. However, after about a block and a half, at a location established by the investigation as the intersection of East 242 Street and Wilder Avenue, one of the officers (whom § 87(2)(b) uncertainly recalled as PO Maldonado) jumped onto his back, thus bringing him to the ground, shortly after which the remaining officers arrived.

In his first phone statement, § 87(2)(b) stated that, prior to handcuffing him, an officer punched him in the back of the head, and that, once he was handcuffed, an officer punched him in the face, stomped on his chest, and also stomped on his jaw while his face was against the ground. In his second phone statement, § 87(2)(b) alleged that, after he was handcuffed, an officer punched him in the back of the head and also a few times around the body. In his in-person statement, § 87(2)(b) alleged that, after he was handcuffed, PO Maldonado pressed a knee against his chest and throat, almost fully restricting his breathing for about one minute, and also alleged that an officer (either PO Maldonado or Sgt. Iaquinto) pressed a foot against the side of his face while he was lying on his side. § 87(2)(b) consistently alleged that, once he was on the ground and handcuffed, an officer kicked him once in the groin and stomped and kicked him several times in the left side of his torso, around the ribs; in his in-person statement, § 87(2)(b) specifically ascribed these actions to PO Maldonado.

In his in-person statement (but not in his phone statements), § 87(2)(b) stated that all three officers repeatedly cursed at him while the above force was being used — § 87(2)(b) recalled PO Maldonado stating, in response to his protests, "If you open your mouth again I'm going to bash your head against that fucking car wheel." § 87(2)(b) could not otherwise recall any specific statements, but stated that all three officers repeatedly used the word "motherfucker." § 87(2)(b) did not recall any other civilians being in the vicinity during any portion of the incident.

§ 87(2)(b) was then brought to his feet, and an officer (either PO Maldonado or Sgt. Iaquinto) frisked his outer clothing and inserted his hands into all of § 87(2)(b)'s pockets. § 87(2)(b) was then transported to the 47<sup>th</sup> Precinct stationhouse, where officers asked him if he wanted to go to the hospital; however, § 87(2)(b) refused, because he was told he would be released with a summons and wanted to expedite this process. § 87(2)(b) was released with a summons for § 87(2)(b), and went to § 87(2)(b) immediately upon leaving the stationhouse. § 87(2)(b) stated that received x-rays and CAT scans and was diagnosed with a "blood clot contusion" on his side.

### **NYPD Statements:**

#### **Subject Officer: PO ROBERT RODA**

- *PO Roda is a white male, § 87(2)(b) old at the time of the incident, standing 5'7" and weighing 170 lbs., with brown hair and hazel eyes.*
- *On the date of the incident PO Roda was assigned to the 47<sup>th</sup> Precinct Anti-Crime team, with PO*

*Maldonado and Sgt. Iaquinto, in plainclothes and an unmarked vehicle, on a tour from 10:00 p.m. until 6:35 a.m.*

### **Memo Book**

PO Roda had memo book entries [Encl. 8 A-C] indicating that a radio run for a dispute with a firearm at East 241 Street and White Plains Road was received at 3:40 a.m.; that one male was arrested after a foot pursuit at East 242 Street and Wilder Avenue at 3:50 a.m.; and that this individual § 87(2)(b) was subsequently issued a summons.

### **CCRB Testimony**

PO Roda was interviewed at the CCRB on May 12, 2011 [Encl. 10 A-C].

At approximately 3:40 a.m. on November 7, 2011, PO Roda, PO Maldonado and Sgt. Iaquinto received a radio run indicating a dispute involving shots fired on East 241 Street and White Plains Road, corresponding to the location of a nightclub. PO Roda did not recall whether the radio run included a description of the perpetrators. The officers immediately responded to the scene, where they encountered a crowd of people who saw the officers and pointed north, indicating that this was the direction in which the people responsible for the shooting had traveled.

PO Maldonado, the vehicle's operator, drove north on Barnes Avenue just past the intersection with East 242 Street, approximately four blocks from the location of the shooting. PO Roda, who was on the rear of the car on the driver's side, saw § 87(2)(b) walking south on Barnes Avenue on the west side of the street. PO Roda stated that § 87(2)(b) was walking quickly and purposefully, and PO Roda was able to see that he was sweating. This, in conjunction with § 87(2)(b)'s geographical and temporal proximity to the location and time of the reported shooting, led PO Roda to suspect that § 87(2)(b) was involved in the shots fired and was hurriedly leaving the scene. PO Maldonado pulled the vehicle immediately up to § 87(2)(b) and PO Roda, from inside the vehicle, identified himself by saying, "Police," and asked § 87(2)(b) to "Hold on" or "Hang on a second" or something to that effect. PO Roda stated that he also had his shield visibly displayed around his neck at this point. PO Roda stated that his initial intention upon approaching § 87(2)(b) was to question him about his activities. However, as soon as PO Roda addressed him, § 87(2)(b) yelled, "Fuck you!" while turning his body away from PO Roda and simultaneously reaching with one hand towards the center of his waistband. PO Roda interpreted this as an effort to reach towards something in his waistband and simultaneously shield what he was reaching for from PO Roda. Specifically, given the recent and nearby shooting, PO Roda suspected that § 87(2)(b) was reaching for a firearm.

Immediately after performing these actions, § 87(2)(b) began running south on Barnes Avenue. PO Roda and Sgt. Iaquinto exited the vehicle and chased after § 87(2)(b) and PO Maldonado stayed inside to assist with the pursuit by car. When § 87(2)(b) reached the intersection of Barnes Avenue and East 242 Street, he stopped in the middle of the street, turned towards PO Roda and Sgt. Iaquinto, reached with one hand into the middle of his waistband. PO Roda was directly able to see § 87(2)(b)'s hand going inside his pants, but was unable to discern the object (if any) for which he was reaching. As he did this, § 87(2)(b) yelled out, "Let's shoot it out!" Sgt. Iaquinto and PO Roda reacted to this by stopping and taking cover, afraid that § 87(2)(b) would draw a gun and fire at them. However, after the above-described gesture, § 87(2)(b) turned around again and continued running, heading east on East 242 Street. PO Roda and Sgt. Iaquinto continued giving chase. During the course of the pursuit, PO Roda repeatedly yelled at § 87(2)(b) to stop running, and continued identifying himself as a police officer. PO Roda stated that he recalled the presence of other people on the street in the surrounding vicinity, largely due to the fact that nightclubs close at 4:00 a.m., but he could not estimate their number.

When he reached the intersection of East 242 Street and Wilder Avenue (one to two blocks away), § 87(2)(b) evidently ran out of breath and stopped running. PO Roda and Sgt. Iaquinto caught up to

him and immediately grabbed him by the arms and placed him in handcuffs. PO Roda stated that he did not recall whether he or PO Iaquinto caught up to § 87(2)(b) first. PO Roda also did not recall whether it was necessary to bring § 87(2)(b) to the ground in order to handcuff him. PO Roda also did not recall whether § 87(2)(b) was already in handcuffs when PO Maldonado arrived on the scene of his apprehension. PO Roda stated that neither he nor any other officer ever kicked or stomped § 87(2)(b) Maldonado, placed a knee or otherwise placed pressure on § 87(2)(b)'s chest or throat, or ever placed his foot on § 87(2)(b)'s face. PO Roda further stated that neither he nor any other officers ever called § 87(2)(b) a “motherfucker” or used any other discourteous language against him, adding, “He cursed us out, we didn’t curse him out.” Neither PO Roda nor any other officers threatened to “bash § 87(2)(b) [§ 87(2)(b)] head into” anything.

PO Roda stated that, once he was apprehended, § 87(2)(b) became highly apologetic. He told the officers that he had just been at a bar on White Plains Road, where he had become involved in an altercation with other civilians, and he had thought the officers might have been people associated with these civilians seeking to do him harm. PO Roda added that § 87(2)(b) had a slight abrasion to the top of his head when the officers apprehended him, which was not sustained as a result of any police contact. § 87(2)(b) did not have any other visible injuries, nor did he complain of any injuries or pain. PO Roda stated that § 87(2)(b) did not appear intoxicated.

PO Roda frisked § 87(2)(b) on the scene to ensure he had no firearms on his person, and also searched his pockets — § 87(2)(b) was under arrest at this point for § 87(2)(b), § 87(2)(b) was then taken to the 47<sup>th</sup> Precinct stationhouse and released with a § 87(2)(b) summons.

#### **Subject Officer: PO JENS MALDONADO**

- *PO Maldonado is a Hispanic male, § 87(2)(b) old at the time of the incident, standing 6’1” and weighing 240 lbs., with black hair and brown eyes.*
- *On the date of the incident, PO Maldonado was assigned to the 47<sup>th</sup> Precinct Anti-Crime team, with PO Roda and Sgt. Iaquinto, in plainclothes and an unmarked vehicle, on a tour from 10:00 p.m. until 6:35 a.m.*

#### **Memo Book**

In his memo book [Encl. 11 A-B], PO Maldonado documented the dispute with a firearm at East 241 Street and White Plains Road at 3:40 a.m., and the male stopped at East 242 Street and Wilder Avenue at 3:50 a.m.

#### **CCRB Testimony**

PO Maldonado was interviewed at the CCRB on June 24, 2011 [Encl. 12 A-B]. § 87(2)(g)

PO Maldonado also did not recall whether the radio run included a description of the perpetrators. PO Maldonado also stated that, when the officers first saw § 87(2)(b) he was walking very quickly, and was panting and sweating, which PO Maldonado interpreted as signs that § 87(2)(b) was in a hurry to get out of the area. PO Maldonado recalled that he (rather than PO Roda) first addressed § 87(2)(b) and recalled saying, “Excuse me, sir. Police.” PO Maldonado also stated that his intention upon approaching § 87(2)(b) was to question him about his activities. § 87(2)(b) responded by saying, “Go fuck yourselves,” and continued to walk; when Sgt. Iaquinto and PO Roda emerged from the car to approach him, he turned around to face them, then reached with both hands towards the center of his waist in what PO Maldonado described as a motion consistent with tucking an object into his waistband. PO Maldonado was also unable to discern what, if anything, was in § 87(2)(b)'s waistband, but given the general circumstances he suspects § 87(2)(b) was concealing a firearm.

When the pursuit began, PO Maldonado initially drove in reverse on Barnes Avenue (a one-way street) looking behind him the whole time. Around halfway down the block, he saw § 87(2)(b) stop

in the middle of the street, turn to face the officers, and loudly (such that PO Maldonado could hear him clearly from inside the car) yell, “Let’s shoot it out!” § 87(2)(b) then continued running.

PO Maldonado continued the pursuit in the vehicle, from where he saw Sgt. Iaquinto catching up to § 87(2)(b) and apprehending him by grabbing him from behind by both shoulders. PO Roda caught up immediately thereafter and helped apprehend him. PO Maldonado could not recall whether Sgt. Iaquinto and PO Roda brought § 87(2)(b) to the ground at any point; however, by the time he reached them (only moments after PO Roda), § 87(2)(b) was on his feet and handcuffed.

PO Maldonado stated that neither he nor any other officers ever kicked or stomped § 87(2)(b) placed any pressure on his chest or throat, or made any kind of contact with his face. PO Maldonado further stated that neither he nor any other officers ever called § 87(2)(b) a “motherfucker,” used any other discourteous language against him, or threatened to “bash [his] face” into anything.

PO Maldonado recalled § 87(2)(b) specifically telling the officers that he had been at the nightclub on East 241 Street and White Plains Road, where he had been in a fight. PO Maldonado recalled § 87(2)(b) having an abrasion somewhere on his head, which § 87(2)(b) stated he had sustained during the fight.

**Subject Officer: SGT THOMAS IAQUINTO**

- *Sgt. Iaquinto is a white male, § 87(2)(b) old, standing 6’0” and weighing 210 lbs., with brown hair and brown eyes.*
- *On the date of the incident, Sgt. Iaquinto was assigned to the 47<sup>th</sup> Precinct Anti-Crime team, with PO Maldonado and PO Roda, in plainclothes and an unmarked car, on a tour from 10:00 p.m. until 6:44 a.m.*

**Memo Book**

Sgt. Iaquinto had entries in his memo book [Encl. 13 A-D] documenting a radio run for a large fight at East 241 Street and White Plains Road at 3:40, and, at 3:42, an additional run indicating shots fired at the same location. At 3:52, Sgt. Iaquinto has an entry indicating that the officers observed a male “running” from the location, and that said male fled upon the officers’ approach and was apprehended at East 242 Street and Wilder Avenue. At 4:00 a.m., Sgt. Iaquinto notes that the male was transported to the 47<sup>th</sup> Precinct stationhouse, and that he had a “minor scratch” on the top of his head from a fight at East 241 Street and White Plains Road.

**CCRB Testimony**

Sgt. Iaquinto was interviewed at the CCRB on August 3, 2011 [Encl. 14 A-B]. Sgt. Iaquinto did not have his memo book on his person during his CCRB interview, and as such could not refer to the above entries in delivering his testimony.

Sgt. Iaquinto recalled the radio run for shots fired at East 241 Street and White Plains Road including a description of the shooter’s clothing. Sgt. Iaquinto further recalled that he and his officers approached § 87(2)(b) primarily because he fit said description; he could not recall any other aspects of § 87(2)(b)’s appearance or behavior contributing to the officers’ decision to stop him. Sgt. Iaquinto stated that his initial intentions upon approaching § 87(2)(b) were to question him about whether he was in possession of a firearm.

Sgt. Iaquinto emerged from the vehicle with his shield visibly hanging around his neck and began to walk towards § 87(2)(b). PO Roda emerged from the car immediately after Sgt. Iaquinto. Before Sgt. Iaquinto had the chance to verbally identify himself, § 87(2)(b) turned to him, reached with one hand towards the side of his waistband, and yelled, “Fucking shoot me!” and immediately took off running. Sgt. Iaquinto responded to this by adopting a ‘tactical stance,’ i.e., dropping to one knee and drawing and pointing his firearm at § 87(2)(b). Sgt. Iaquinto did not think PO Roda had an opportunity to do the same before § 87(2)(b) ran away.

Sgt. Iaquinto and PO Roda then pursued § 87(2)(b) on foot, while PO Maldonado assisted with the pursuit from inside the vehicle. Sgt. Iaquinto did not recall § 87(2)(b) turning around to face the officers again after his initial flight. During the pursuit, Sgt. Iaquinto repeatedly yelled orders at § 87(2)(b) to stop; § 87(2)(b) was also repeatedly yelling, but Sgt. Iaquinto could not recall the content of his words.

After about a block and a half, § 87(2)(b) stopped running and placed his hands in the air. Sgt. Iaquinto caught up with him and immediately placed him in handcuffs. Sgt. Iaquinto stated that, because § 87(2)(b) stopped running of his own volition, no force was necessary to apprehend him, and no force was used against him after his apprehension. Specifically, officers did not bring § 87(2)(b) to the ground, and neither Sgt. Iaquinto nor any other officers at any point kicked or stomped on § 87(2)(b) nor did they apply any pressure to his chest or throat or make any kind of contact with his face. Neither Sgt. Iaquinto nor any other officers called § 87(2)(b) a “motherfucker” or used any other discourteous language against him. Sgt. Iaquinto did not recall observing any injuries on § 87(2)(b)s person, nor did he recall having any conversation with § 87(2)(b) detailing his recent whereabouts or explaining his behavior.

### **Medical Records**

§ 87(2)(b)s medical records [Encl. 15 A-aO] indicate a minor injury with swelling to the occipital-parietal region of his head (i.e., the top-back of his head). They also indicate an internal accumulation of fluid in his retroperitoneum (i.e., his lower back) on the left side and, on the right side, metal fragments ascribed to a prior gunshot wound.

### **NYPD Documents**

The SPRINT report [Encl. 16 A-C] for the initial calls from East 241 Street and White Plains Road indicates that an anonymous male caller initially reported a large crowd of people running, and an anonymous female caller subsequently reported shots fired. The female caller does not give a description of the shooter or shooters.

PO Roda prepared a UF250 [Encl. 16 D-E] documenting the stop of § 87(2)(b) in which he indicates the suspect’s actions leading to the stop as “furtive movements,” and additional factors as “report from victim/witness/officer” and “proximity to the scene of suspected offense.” The UF 250 also indicates that officers placed hands on § 87(2)(b) and placed him on the ground.

### **Summons for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 12, 2011 with regard to the incident.

### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
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### **Civilian CCRB History**

- § 87(2)(b) has filed one additional CCRB complaint [Encl. 3 G]:
  - § 87(2)(b)

### **Subject Officer(s) CCRB History**

- Sgt. Thomas Iaquinto has been a member of the service for 10 years and there are no substantiated CCRB allegations against him [Encl. 3 A-B].
- PO Robert Roda has been a member of the service for 6 years and there are no substantiated CCRB allegations against him [Encl. 3 C-D].
- PO Jens Maldonado has been a member of the service for 5 years and there are no substantiated CCRB allegations against him [Encl. 3 E-F].

### **Conclusion**

### **Identification of Subject Officers**

§ 87(2)(g)

§ 87(2)(b) provided comparatively accurate physical descriptions of the three officers involved, and specifically of PO Maldonado, whom he described as visibly Hispanic and taller and heavier than the other officers. § 87(2)(g)

### **Allegations Not Pleaded**

§ 87(2)(g)

§ 87(2)(g)



## **Investigative Findings and Recommendations**

### **Allegation A – Abuse of Authority: Sgt. Thomas Iaquinto supervised the stop of § 87(2)(b)**

§ 87(2)(b)

The investigation established that § 87(2)(b) was within three blocks of the location of the shooting when he was first approached by the officers. All officers consistently articulated § 87(2)(b)'s spatial and temporal proximity to the shooting as a primary reason for approaching him. PO Roda and PO Maldonado stated that the approach was also informed by § 87(2)(b)'s behavior, i.e., the fact that he was walking quickly and purposefully away from the scene. In his CCRB statement, Sgt. Iaquinto inaccurately remembered that the radio run included a description that § 87(2)(b) matched; however, his memo book (which he did not have with him during his interview) indicates that § 87(2)(b) was approached because he was fleeing the scene of the shooting. Moreover, all officers, including Sgt. Iaquinto (who was ultimately responsible for the stop), generally agreed that their intentions upon approaching § 87(2)(b) were simply to question him about his recent whereabouts, activities and his possibly possessing a firearm. Further, all officers (Sgt. Iaquinto in his memo book, though not his testimony) stated that, at the conclusion of the incident, § 87(2)(b) told them that he had been involved in an altercation at the nightclub where shots were reported, which explained his behavior (walking quickly away from the scene and fleeing from the officers). The officers were also consistent in stating that at least one of them identified himself as police upon initially addressing § 87(2)(b). Finally, all officers were consistent in stating that § 87(2)(b) reached for his waistband, as if reaching for a weapon, as he began to run away.

§ 87(2)(g)

he acknowledged during his phone statements that he had been at a club prior to the incident, but gave a different account during his in-person statement. § 87(2)(g)

– in his initial phone statement, he acknowledged that they did, but claimed to have disbelieved them, whereas in his in-person statement he claimed no verbal identification was offered.

§ 87(2)(g)

According to People v. Martinez, 80 N.Y.2d 444 (1992) [Encl. 1 A-C], flight from police can provide reasonable suspicion for a pursuit and forcible stop if there was a prior indication of some kind of criminal activity. § 87(2)(g)

**Allegation B – Force: Sgt. Thomas Iaquinto used physical force against § 87(2)(b)**

**Allegation C – Force: PO Robert Roda used physical force against § 87(2)(b)**

**Allegation D – Force: PO Jens Maldonado used physical force against § 87(2)(b)**

§ 87(2)(g)

For instance, he alleged to medical personnel, but never to the CCRB, that officers struck him in the back of the head with a weapon; he claimed to CCRB, but only in his phone statements and not in his in-person statement, that he was punched in the head; he alleged in his initial phone statement (but no others) that he was punched in the face, punched about the body, and stomped in the jaw; he alleged in his in-person statement (but no others) that he was choked by PO Maldonado, etc. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation E – Force: PO Jens Maldonado used a chokehold against** § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) made this allegation only during his in-person statement at the CCRB, but failed to make it either to medical personnel or during any of his two telephone statements to the CCRB. § 87(2)(g)

**Allegation F – Abuse of Authority: PO Jens Maldonado threatened** § 87(2)(b) **with the use of force.**

§ 87(2)(g)

However, PO

Maldonado denied making such a statement, and PO Roda and Sgt. Iaquinto denied hearing it.

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Team: \_\_\_\_\_

:

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date